

Services Officer

15 April 1949

Budget Officer

OGC HAS REVIEWED.

1. In response to your request that reconsideration of permitting telephone operators working other than the normal duty tours (0830 to 1700) be permitted to remain on the job for only an 8 hour period, you are advised that Public Law 106 - 79th Congress, as amended, applicable to pay matters of civilian personnel, requires the head of the department to establish tours of duty for all personnel within the agency. This tour must consist of 40 hours during a workweek. This office has no authority to establish working hours for agency personnel and the Director has no authority to establish a record inconsistent with law, i.e. it would be improper to establish a tour of duty for a period less than 40 full hours each week, unless payments are accordingly adjusted. The General Accounting Office holds that a lunch period is not synonymous with duty.

2. The content of memorandum from the Chief, General Services Division, dated 5 April 1949 to the Services Officer, which is attached, has been noted. However, there was no indication in the memorandum as to the amount of payment that the individuals in the organizations listed actually received. It is felt that an exception would of necessity have been taken by the General Accounting Office on all tours recited if the individuals involved were classified as full-time employees and received pay for the 40 hour period and failed to render service in compliance with the law.

3. Through informal contact with the Service Office, it has been found that there is a desire to establish tours of duty consisting of 8 hours without permitting the personnel involved to take a lunch period during such tours. If a tour of this type is to be established, it must be approved by the head of the department, or the executive who has been delegated the powers of establishing working tours. In addition to receiving signed copies of the established tour(s) for both the Fiscal Branch and the General Accounting Office, each Time and Attendance Report should contain a statement to the effect that the employees are not permitted to observe a lunch period. In this connection, a blanket statement in memorandum form would suffice for audit purposes if it was prepared in the form of a certification that employees rendering service in the telephone office on other than the normal tour (0830 to 1700) are not permitted to observe a lunch period; provided a further statement is made that should the tours be changed or should the individuals be

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permitted to take a lunch period, such facts will be reported on Standard Forms 1150 or in memorandum form in support of the duty and Time and Attendance Reports.

4. It should be remembered that it is objectionable from a record keeping point of view to become involved in tours where lunch periods are not observed. Many other organizational units in the agency have working conditions and requirements similar to those found in the telephone office and they are all observing the normal lunch period without any administrative or operational difficulties.

E. R. SAUNDERS

Concurred in:

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[Redacted Signature]

General Counsel

DNO;hvw

c.c. General Counsel ✓

Mr. Saunders

File

FPD

Pay Roll